

## SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

### PART 836—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

#### Subpart 836.2—Special Aspects of Contracting for Construction

Sec.

836.202 Specifications.

836.203 Government estimate of construction costs.

836.204 Disclosure of the magnitude of construction projects.

836.206 Liquidated damages.

836.209 Construction contracts with architect-engineer firms.

836.213-4 Notice of award.

836.213-70 Notice to proceed.

#### Subpart 836.5—Contract Clauses

836.500 Scope of subpart.

#### 836.501 Performance of work by the contractor.

836.513 Accident prevention.

#### 836.521 Specifications and drawings for construction.

#### 836.570 Correspondence.

#### 836.571 Reference to “standards.”

#### 836.572 Government supervision.

#### 836.573 Daily report of workers and materials.

#### 836.574 Subcontractors and work coordination.

#### 836.575 Schedule of work progress.

#### 836.576 Supplementary labor standards provisions.

#### 836.577 Worker’s compensation.

#### 836.578 Contract changes—supplement.

#### 836.579 Special notes.

#### Subpart 836.6—Architect-Engineer Services

836.602 Selection of firms for architect-engineer contracts.

836.602-1 Selection criteria.

836.602-2 Evaluation boards.

836.602-4 Selection authority.

836.602-5 Short selection process for contracts not to exceed the simplified acquisition threshold.

836.606 Collecting data on and appraising firms’ qualifications.

836.606-70 General.

836.606-71 Architect-engineer’s proposal.

836.606-72 Contract price.

836.606-73 Application of 6-percent architect-engineer fee limitation.

AUTHORITY: 38 U.S.C. 501 and 40 U.S.C. 486(c).

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#### Subpart 836.2—Special Aspects of Contracting for Construction

##### 836.202 Specifications.

(a) The procedures described in part 811 shall be applicable to construction specifications.

(b) The use of “brand name or equal” or other restrictive specifications by contract architect-engineers is specifically prohibited without the prior written approval of the contracting officer during the design stage. The contracting officer shall inform the prospective architect-engineers of this requirement during the negotiation phase, prior to award of a contract for design.

(c) If it is determined that only one product will meet the Government’s minimum needs and VA will not allow the submission of “equal” products, the bidders must be placed on notice that the “brand name or equal” provisions of the “Material and Workmanship” clause found at FAR 52.236.5, and any other provision which may authorize the submission of an “equal” product, will not apply. In order to properly alert bidders to this requirement, the contracting officer shall include the clause found at 852.236-90, “Restriction on Submission and Use of Equal Products,” in the solicitation.

[52 FR 282, Jan. 5, 1987, as amended at 53 FR 7756, Mar. 10, 1988; 53 FR 9631, Mar. 24, 1988; 54 FR 40065, Sept. 29, 1989; 61 FR 20492, May 7, 1996; 63 FR 17338, Apr. 9, 1998; 67 FR 49258, July 30, 2002]